

for Governor at the next preceding general election in such incorporated town or city."

Upon a call for division of the Senate, the amendment was adopted by a vote of 15 to 12.

Senator Douglass offered to amend as follows:

In lines 4 and 5 of article 3228, strike on the words "written in ink."

Adopted.

By Senator Bowser:

Amend article 3228, by striking out the words in line 6, "personally examined," and substituting therefor the words, "and that he has reasons to believe."

On division of the Senate, lost by a vote of 17 to 8.

Senator Douglass offered to amend as follows:

In line 4, article 3228, after the word "the," insert the word "written."

Adopted.

Pending action on this bill,

On motion of Senator Baldwin, Senate adjourned to to-morrow morning at 10 o'clock.

ELEVENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Jan. 21, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Agnew,	Kearby,
Atlee,	Lawhon,
Baldwin,	Lewis,
Boren,	McComb,
Bowser,	McKinney,
Browning,	Pressler,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Whitaker,
Hutchinson,	Woods,
Imboden,	Yoakum.
Jester,	

Prayer by the chaplain, Dr. Briggs.

Pending the reading of the journal,

On motion of Senator Dickson the reading of the same was suspended.

On motion of Senator Steele, Secretary Kennedy was excused till Monday morning, on account of important business.

On motion of Senator Lewis, yesterday's journal was corrected so as to

show Senator Baldwin instead of Senator Hutchinson offered to amend Senate bill No. 13, by striking out the enacting clause.

COMMITTEE REPORTS.

COMMITTEE ROOM,
AUSTIN, TEXAS, Jan. 20, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 46, entitled "An act to regulate the acknowledgments of married women to deeds conveying lands and other instruments, and to repeal articles 4310 and 4313, Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do not* pass.

All of which is respectfully submitted.

CRANFORD, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Jan. 20, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 53, entitled "An act to amend article 837, title 10 of the Code of Criminal Procedure of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it be referred to Judiciary Committee No. 2.

All of which is respectfully submitted.

CRANFORD, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Jan. 20, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 55, entitled "An act to amend article 1139, title 28, chapter 1, of the Revised Civil Statutes of the State of Texas and to add thereto another article to be known as article No. 1239 1-2,"

Have had the same under consideration, and instruct me to report it back to the Senate, with the recommendation that it be considered in connection with Senate bill No. 20, heretofore reported on the same subject.

All of which is respectfully submitted.

CRANFORD, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Jan. 20, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee State Affairs, to whom was referred

Senate bill No. 24, entitled "An act to amend article 143 of the Revised Civil Statutes of the State of Texas, concerning advertisements for bids to furnish supplies to asylums,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass with the following amendments:

Amend by inserting after the word "newspapers" the words, "not exceeding three in number."

All of which is respectfully submitted.

MCKINNEY, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Jan. 20, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

Senate bill No. 52, entitled "An act providing for the appointment of an official stenographer for each judicial district, defining his duties and fixing salaries for the same,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it be referred to Judiciary Committee No. 1.

All of which is respectfully submitted.

ATLEE, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Jan. 20, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 13, being "An act to amend section 4 of act approved March 29, 1887, to amend an act to amend sections 1 and 4 of an act to regulate the sale of spirituous, vinous or malt liquors, or medicated bitters, to fix the rate of occupation taxes upon all persons, firms or associations of persons engaged in the sale of spirituous, vinous or malt liquors, or medicated bitters, and define the manner and time of collecting such tax, and to affix penalties for failure to pay the same, and to repeal all laws in conflict with the provisions of this act, approved March 11, 1881, approved April 4, 1881; and to amend an act to regulate the sale of spirituous, vinous or malt liquors, or medicated bitters, to fix the rate of occupation tax upon all persons, firms or associations of persons engaged in the sale of spirituous, vinous or malt liquors, or medicated bitters, to define the manner and time of collecting such tax and to affix penalties for failure to pay the same, and to repeal all laws and parts

of laws in conflict with the provisions of this act, approved March 11, 1881," and find the same correctly engrossed.

PRESSLER, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Jan. 20, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Contingent Expenses beg leave to submit this itemized report of accounts allowed and refused for the week commencing January 16, 1893, and ending January 21, 1893:

JANUARY, 17.

Accounts examined and ordered paid out of the contingent fund of the State Senate.

Bought of I. Stein & Co.:

4 gallon buckets, at 50c.....	\$2 00
4 brooms, at 50c	2 00
6 dusters, at 75c.....	4 50
2 dust pans, at 25c	50

Total \$9 00

JANUARY 17.

State Senate, Dr., to S. A. Allen:

Hauling 5 loads of mail, at 25c... \$1 25

Total \$1 25

All of which is respectfully submitted,

STEELE, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Jan. 21, 1893.

Hon. M. M. Crane, President of the Senate:

We, the members of Judiciary Committee No. 2, beg leave to differ with the majority of said committee in regard to the report of said committee as to the disposition of Senate bill No. 49. The amendment proposed, we sincerely believe, is meritorious.

The appellate courts of this State, in construing this article proposed to be amended, say it is necessary for the minutes of the trial court to show that the defendant, in criminal cases, entered his plea of not guilty, and that the failure of the record to show the entry of the plea shall entitle the defendant to a reversal of the case. We think it very impolitic in any government to permit or sanction a reversal of the verdict or judgment of a court upon the mere clerical omission of a clerk to make an entry of such a kind. Think of a case that has required the time and attention of a court for the space of a week or ten days, with 100 witnesses in attendance from adjoining counties, and the cost of the case to the county and State aggregating the great sum of ten thousand dollars, and when the defendant, hedged in and protected as he is by all legal presumptions and reasonable

doubts, and though his guilt is beyond controversy, yet the record failing to show that he pleaded not guilty, though in fact he did plead not guilty, the present law, under the adjudication of our courts, authorize and demand the reversal of the case. Our courts are powerless to prevent this state of affairs, and they have referred frequently to this law and asked its amendment, and Attorney-General McLeary refers with condemnation to this technical practice, and recommends that it be amended. Our honorable Court of Appeals, in the short space of seven years, reversed and remanded thirty criminal cases, mostly felonies, because the record on appeal failed to show that the defendant had plead to the indictment; and our honorable Court of Appeals, in volume 18, page 313, have denounced this law as extreme, and refer to the fact that the Legislature had refused to modify.

We therefore ask this body to pass this amendment.

YOAKUM,
IMBODEN,
Minority Committee.

BILLS AND RESOLUTIONS.

By Senator Lawhon:

"An act to amend article 3122 of chapter 1, title 58 of the Revised Civil Statutes of the State of Texas."

Read first time and referred to Judiciary Committee No. 1.

By Senator Dean:

A bill to be entitled "An act to amend article 2863, chapter 4, title 50 of the Revised Statutes."

Read first time and referred to Judiciary Committee No. 1.

By Senator Simpson:

A bill to be entitled "An act to amend article 683b of the Penal Code of the State of Texas, and to add to said Code article 683c, as enacted by the Legislature of said State by act entitled an act to amend article 683, chapter 3, title 17 of the Penal Code of the State of Texas, relating to malicious mischief, and providing a penalty therefor by adding thereto article 683b, approved March 22, 1889, and amendatory of said recited act, and to define and punish the offense of willfully and maliciously throwing missiles or firing, or firing guns or other firearms at or into moving trains on railroads in this State, and to repeal article 683b of said above recited act, and all other laws in conflict with this act."

Read first time and referred to Judiciary Committee No. 1.

By Senator Whitaker:

A bill to be entitled "An act to limit the power of county commissioners courts to create bonded indebtedness."

Read first time and referred to Judiciary Committee No. 1.

By Senator Dickson, by request:

"An act to amend article 853, title 10, of the Code of Criminal Procedure of the State of Texas."

Read first time and referred to Judiciary Committee No. 2.

By Senator Crowley:

A bill to be entitled "An act to amend article 2835, title 49, Revised Civil Statutes of Texas (Statutes of 1879) relating to legal holidays, naming the first Monday in September of each year as a legal holiday, to be called Labor Day."

Read first time and referred to Committee on Labor.

By Senator Agnew, by request:

A bill to be entitled "An act to amend article 2248, title 38, chapter 4, of the Revised Civil Statutes of the State of Texas."

Read first time and referred to Judiciary Committee No. 1.

Senator Imboden asked the unanimous consent of the Senate to the consideration of the House resolution relating to the appointment of the following joint committees:

First. To visit the University of Texas, the Agricultural and Mechanical College, the Sam Houston Normal Institute, and the Prairie View Normal School.

Second. To visit the North Texas Lunatic Asylum.

Third. To visit the Southwestern Lunatic Asylum.

Fourth. To visit the Reformatory.

Fifth. To visit the Penitentiaries.

Sixth. It shall be the duty of each committee so appointed to examine carefully and thoroughly into the condition and management of the institution visited by it, and to make a report of the same to the Legislature, with such suggestions for the benefit of such institution as the committee may deem necessary.

Seventh. The expenses of said joint committees to be paid out of the contingent fund of the Twenty-third Legislature.

Senator Imboden offered to amend as follows:

Amend by adding to the sixth subdivision: "Said committees be and are hereby authorized and empowered to send for persons, and compel their attendance and papers, administer oaths, etc."

Adopted.

UNFINISHED BUSINESS.

Senate bill No. 14, special order brought over from yesterday, was placed before the Senate.

Senator Browning offered to amend as follows:

Amend article 3230, page 3, line 3, by striking out the word "twelve" and inserting the word "twenty."

On a division of the Senate, lost by a vote of 14 to 11.

By Senator Smith:

Amend article 3228 by striking out after the word "calling," in line 9, the following words: "Or who is in any way directly or indirectly engaged or interested in the sale of such stimulants on his own account, or as the agent, employe or partner of others."

Senator Kearby opposed the amendment.

Senators Atlee and Douglass favored the amendment.

The hour named having arrived, the Senate went into executive session on the Governor's appointments.

AFTER EXECUTIVE SESSION.

Upon a call for the yeas and nays on Senator Smith's amendment, it was adopted by the following vote:

YEAS—16.

Atlee,	Hutchinson,
Baldwin,	Imboden,
Boren,	McComb,
Bowser,	Shelburne,
Crowley,	Simpson,
Dickson,	Smith,
Douglass,	Swayne,
Greer,	Tips.

NAYS—15.

Agnew,	Lewis,
Browning,	McKinney,
Cranford,	Pressler,
Dean,	Steele,
Goss,	Whitaker,
Jester,	Woods,
Kearby,	Yoakum,
Lawhon,	

By Senator Greer:

Amend article 3227, line 7, after the word "precinct," by striking out the words "or subdivision of such county," and in line 11, after the word "precinct," striking out the words "or subdivision of such county as shall be designated by said court."

And amend article 3226 in lines 6, 7 and 8, after the word "precinct," by striking out the words "or subdivision of a county, as may be designated by the commissioners court of such county or of any town or city."

Withdrawn.

By Senator Tips:

Amend by striking out article 3238, and in lieu thereof insert in article 3236, in line 2, after the word "limits" the words "or any part thereof."

Lost by the following vote:

YEAS—12.

Baldwin,	Lawhon,
Bowser,	Lewis,
Crowley,	McComb,
Dean,	Shelburne,
Greer,	Simpson,
Hutchinson,	Tips.

NAYS—19.

Agnew,	Kearby,
Atlee,	McKinney,
Boren,	Pressler,
Browning,	Smith,
Cranford,	Steele,
Dickson,	Swayne,
Douglass,	Whitaker,
Goss,	Woods,
Imboden,	Yoakum.
Jester,	

By Senator Hutchinson:

Amend article 3236, in line 8, by striking out the words "or any town or city in such county," and in line 12 strike out the words "town or city."

Lost by the following vote:

YEAS—14.

Agnew,	Hutchinson,
Atlee,	Lewis,
Baldwin,	McComb,
Bowser,	Shelburne,
Crowley,	Simpson,
Douglass,	Smith,
Greer,	Tips.

NAYS—16.

Boren,	Lawhon,
Browning,	McKinney,
Cranford,	Pressler,
Dickson,	Steele,
Goss,	Swayne,
Imboden,	Whitaker,
Jester,	Woods,
Kearby,	Yoakum.

By Senator Lewis:

Amend article 3238, page 5, so that the same will read as follows:

"Article 3238. When prohibition has been carried, or has failed to carry at an election ordered and held for the entire county, no election on the question of prohibition shall thereafter be ordered or held in any justice's precinct, town or city of said county, or subdivision of said county, until after the expiration of one year from the date of the said election for the said county. And whenever prohibition is carried, or has failed to carry, within any justice's precinct, town or city, or subdivision of any county, no

election on the question of prohibition shall thereafter be held within the same territory, or any subdivision thereof, until after the expiration of one year from the said prior election."

Senator Douglass moved the previous question.

On the question, shall the main question be now put, the vote resulted as follows:

YEAS—12.

Baldwin.	Kearby,
Boren,	McComb,
Crowley,	McKinney,
Dickson,	Pressler,
Douglass,	Whitaker,
Goss,	Woods.

NAYS—19.

Agnew,	Lawhon,
Atlee,	Lewis,
Bowser,	Shelburne,
Browning,	Simpson,
Cranford,	Smith,
Dean,	Steele,
Greer,	Swayne,
Hutchinson,	Tips,
Imboden,	Yoakum.
Jester,	

Senator Kearby rose to a point of order.

Chair overruled same.

Senator Baldwin moved to adjourn until Monday, 10 o'clock.

Senator Imboden entered a motion to reconsider the vote by which the amendment offered by Senator Hutchinson was lost, and same was ordered spread upon the Journal.

Senator Kearby opposed the amendment offered by Senator Lewis.

Senator McComb favored the amendment.

Senator Hutchinson moved to adjourn until Monday morning, 10 o'clock.

Senator Imboden entered a motion to reconsider the vote by which the amendment offered by Senator Bowser on yesterday, striking out the words "personally examined" in line 6, of article 3228, of printed bill, and the same was ordered spread upon the Journal.

Pending the vote to adjourn, the President ordered the following communication to be read:

INSTITUTION FOR THE BLIND,
AUSTIN, TEXAS, Jan. 21, 1893.

Hon. M. M. Crane, Lieutenant-Governor and President of the Senate:

Please be kind enough to invite the members and officers of the Senate to attend a concert which will be given for the pleasure of the members of the Legislature in this institution Monday

night at 8 o'clock. Their families and lady friends also are invited.

Yours respectfully,

FRANK RAINEY, Supt.

On a division of the Senate, the motion to adjourn was carried by a vote of 16 to 11.

Adjourned till Monday 10 o'clock.

TWELFTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Jan. 23, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Agnew,	Kearby,
Atlee,	Lawhon,
Baldwin,	Lewis,
Boren,	McComb,
Bowser,	McKinney,
Browning,	Pressler,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Whitaker,
Hutchinson,	Woods,
Imboden,	Yoakum.
Jester,	

Prayer by the chaplain, Dr. Briggs.

Pending the reading of the journal,

On motion of Senator Steele, the reading of the same was suspended.

PETITIONS AND MEMORIALS.

By Senator Baldwin:

Petition from citizens of Western Texas and the portion infested with prairie dogs, asking amendment to present scalp law, etc.

Read and referred to Committee on Stock and Stockraising.

By Senator Baldwin:

Petition from citizens of Scurry to grant relief by reducing the amount of interest on school lands for five years to such a rate as will not exceed \$25 per section.

Read and referred to Committee on Finance.

By Senator Baldwin:

Petition from citizens of Callahan county to establish three additional supreme judicial districts for the trial of civil cases, etc., and "that a court of civil appeals be held in the Abilene country."

Read and referred to Judiciary Committee No. 1.